

KD_IM-1734365_1.DOC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent)	
application of:)	Before the Examiner
Regis W. Haid Jr.)	David C. Comstock
)	
Serial No. 10/795,880)	Group Art Unit:
)	3733
Filed: March 8, 2004)	
)	Atty Docket No.:
OCCIPITAL AND CERVICAL STABILIZATION)	MSDI-260/PC853.00
SYSTEMS AND METHODS)	
)	September 10, 2008

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment (NCA) mailed September 4, 2008, please consider the following. Box 4E of the NCA was checked, indicating that the Preliminary Amendment and Interview Summary submitted on May 29, 2008 was obscured by dark lines running through the center of each page of the facsimile transmission and not suitable for reproduction. A clean copy of the Response is enclosed herewith. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any fees due to Deposit Account 12-2424, but not including the payment of issue fees.

Response to Notice of Non-Compliant
Amendment
Serial No. 10/795,880
Atty Docket No. MSDI-260/PC853.00
Page 1 of 2

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September 10, 2008

Date of Transmission

Douglas A. Collier

Name of Registered Representative

Signature

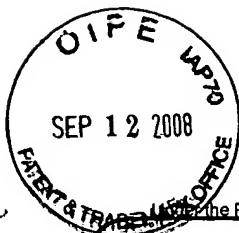
September 10, 2008

Date of Signature

In view of the above remarks, the present application is believed in condition for allowance. Reconsideration of the present application is respectfully requested. A notice of allowance is hereby solicited. The examiner is welcome to contact the undersigned to resolve any outstanding issues with regard to the present application.

Respectfully submitted:

By: Douglas A. Collier
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TRANSMITTAL FORM

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Total Number of Pages in This Submission

Application Number	10/795,880
Filing Date	March 8, 2004
First Named Inventor	Regis W. Haid Jr.
Art Unit	3733
Examiner Name	David C. Cornstock
Attorney Docket Number	MSDI-260/PC853.00

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Receipt Postcard; Copy of May 29, 2008 Preliminary Amendment and Interview Summary
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP
Signature	
Printed name	Douglas A. Collier
Date	September 10, 2008
Reg. No.	43,556

CERTIFICATE OF TRANSMISSION/MAILING

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Signature	
Typed or printed name	Douglas A. Collier
Date	September 10, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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